IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7238 of 2006()

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CP.100/2006 of J.M.F.C., HARIPAD

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PETITIONER/ACCUSED:

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MONEY, AGED 55 YEARS,
W/O.M.S.KUTTY, MOOLESSERIL VEEDU,
WARD 8, PERUMPALLY, ARATTUPUZHA PANCHAYATH.

BY ADV. SRI.G.RAJEEVKUMAR
SRI.B.RENJITHKUMAR

RESPONDENTS: COMPLAINANT:

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STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**Bail Application No. 7238 of 2006**

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**DATED: 12-12-2006**

**O R D E R**

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the sole accused in Crime No. 164/04 of Thrikkunnappuzha Police Station for offences punishable under Sections 55(a) and (g) read with Sec. 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 20 liters of wash and 5 liters of illicit arrack on 12-11-2004, seeks anticipatory Bail.

2. Consequent on the non-appearance of the petitioner before the committal court namely, J.F.C.M.-I, Haripad in C.P. 100/06, admittedly, non-bailable warrant of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail after surrendering before the magistrate concerned. Accordingly, if the petitioner surrenders before the committal court within two weeks from today and files an application for regular bail, the same shall be considered and disposed of, preferably, on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation, this bail application is dismissed.

V.RAMKUMAR,
JUDGE.

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